

REMARKS

This application has been reviewed in light of the Final Office Action mailed on August 16, 2004. Claims 1-20 are pending in the application with Claims 1, 8 and 16 being in independent form. Claims 17, 19 and 20 have been withdrawn from consideration by a previous response to a restriction requirement. By the previously filed amendment, these claims have been cancelled. By the present amendment, Claims 1, 4, 8, 10, 12 and 16 have been amended. No new matter or issues are believed to be introduced by the amendments.

Applicant gratefully acknowledges the allowance of Claims 2 and 10 if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In the Office Action, Claims 1, 3, 4, 6-9, 11, 12, 14-16 and 18 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,116,315 issued to Capozzi et al. on May 26, 1992 ("Capozzi et al."); and Claims 1, 5-9 and 13-16 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,620,125 issued to Redl on September 16, 2003 ("Redl").

Applicant amended independent Claims 1, 8 and 16 in a manner which is believed to better define Applicant's invention and to overcome the rejections. In particular, Applicant has amended independent Claims 1, 8 and 16 to recite that the deflector plate is displaced at a short distance from at the distal-most end or distal end of the housing. Capozzi et al. is directed to a biological syringe system having a housing 14, a discharge nozzle 58 housing a plurality of conduits having exit openings, and a deflector assembly 20 having a deflector plate 77. As shown by the various figures, especially Figure 8, the

deflector plate 77 is not displaced at a short distance from the distal-most end or distal end of the housing 14. The deflector plate 77 is positioned at a distal end of the spray assembly 20. The deflector plate 77 is not displaced at a short distance from the distal-most end or distal end of the spray assembly 20.

Red1 is directed to a device for mixing and applying components of differing viscosities having a housing 1, a discharge nozzle 9 housing a plurality of conduits having exit openings, and a deflector assembly having a deflector plate 14. As shown by the various figures, especially Figures 1 and 4, the deflector plate 14 is not displaced at a short distance from the distal-most end or distal end of the housing 1. Further, the deflector plate 14 is oriented to deflect the component exiting from one of the two exit openings.

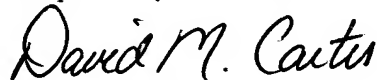
Accordingly, neither of the two cited references discloses or suggests at least the newly-added limitations to Applicant's Claims 1, 8 and 16. That is, neither of the two cited references discloses or suggests the deflector plate being displaced at a short distance from the distal-most end or distal end of the housing, as recited by Applicant's independent claims. Additionally, neither of the two cited references discloses or suggests the deflector plate is oriented to deflect the components after exiting or being dispensed from the two exit openings or distal exits, as recited by Applicant's independent claims.

Therefore, independent Claims 1, 8 and 16 are patentably distinct over the cited prior art references. Accordingly, withdrawal of the rejections under 35 U.S.C. §§102(b) and (e) with respect to Claims 1, 8 and 16 and allowance of Claims 1, 8 and 16 are respectfully requested.

Dependent Claims 2-7, 9-15 and 18 depend from Claims 1, 8 and 16, and therefore include the limitations of Claims 1, 8 and 16. Therefore, for at least the same reasons given for Claims 1, 8 and 16, Claims 2-7, 9-15 and 18 are believed to contain patentable subject matter. Accordingly, withdrawal of the rejections under 35 U.S.C. §§102(b) and (e) with respect to the dependent claims and allowance of the dependent claims are respectfully requested.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at (631) 501-5706.

Respectfully submitted,



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